



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ROBIN M. MILLER

Serial No.: 09/090,071

Filed: June 3, 1998

For: HEADS-UP DISPLAY WITH IMPROVED CONTRAST

Attorney Docket No.: LUTA 0177 PUS (11567)

Group Art Unit: 2674

Examiner: Kevin M. Nguyen

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#34  
8-28-03  
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**NOTICE OF APPEAL**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed on July 14, 2003 in the above-identified patent application.

Previously, the Examiner reopened prosecution three times prior to a decision on the merits by the Board of Patent Appeals and Interferences. Once in response to an Appeal Brief filed on December 8, 2000, twice in response to a Supplemental Appeal Brief filed on November 1, 2001, and again in response to a Supplemental Appeal Brief II filed on January 27, 2003. The Applicant paid the required Notice of Appeal and Appeal Brief fees during the

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, U. S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 14, 2003  
Date of Deposit

James N. Kallis  
Name of Person Signing

[Signature]  
Signature

appeal proceedings of the first Appeal Brief filed on December 8, 2000.

Accordingly, and in reference to M.P.E.P. §1208.02, it is understood that “whether Appellant elects to continue prosecution or to request reinstatement of the Appeal, if prosecution was reopened prior to a Decision on the Merits by the Board of Patent Appeals and Interferences, the fee paid for the Notice of Appeal [and] Appeal Brief...will be applied to a later Appeal on the same application” (modifications added).

As such, the Applicant has not included any fees for this Notice of Appeal. If the Applicant is incorrect in the calculation of fees due in connection with the filing of these papers, the Commissioner is authorized to charge any additional fees or credit any overpayments as a result of the filing of this and paper to our Deposit Account No. 02-3978.

Respectfully submitted,

**ROBIN M. MILLER**

By: 

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Reg. No. 41,102  
Attorney for Applicant

Date: August 14, 2003

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